

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**RONALD HUSBAND**

**PLAINTIFF**

**v.**

**No. 5:09cv118-DCB-MTP**

**CORRECTIONS CORPORATION OF AMERICA**

**DEFENDANT**

**ORDER ON MOTION TO COMPEL**

THIS MATTER is before the court on the [27] motion of plaintiff Ronald Husband for “default” which the court liberally construes as a motion to compel discovery. Having considered the motion, the court finds that it should be denied, but that the defendant must clarify what information it has produced.

Plaintiff argues that defendant Corrections Corporation of America (“CCA”) has failed to timely produce certain records as required by the court at the Omnibus Hearing. However, the court’s order [26] entered after the hearing is dated May 6, 2010 and allows CCA thirty days to produce the records. Plaintiff’s motion was filed on June 3, 2010, before the thirty-day period had elapsed. Accordingly, CCA was not in default. Moreover, on June 7, 2010, CCA filed a timely notice [28] indicating that certain of the documents at issue have been produced.<sup>1</sup>

The notice [28], however, is not a model of clarity. The court’s order [26] directed CCA to produce several separate groups of documents. Rather than indicating that the records have been produced as ordered, CCA’s notice merely indicates that it has produced “A copy of the Plaintiff’s medical file related to dental treatment at Wilkinson County Correctional Facility

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<sup>1</sup>The thirty day time period elapsed on Sunday, June 6, 2010. Accordingly, CCA was entitled to respond on the following business day. *See* Fed. R. Civ. P. 6(a)(1)(C).

(“WCCF”) (DEF-0001 through DEF-0011).” It is unclear to the court whether the few file records produced include the purchase orders, receipts and other documents which were ordered produced. Accordingly, CCA must clarify its response.

IT IS, THEREFORE, ORDERED AND ADJUDGED that plaintiff’s motion [27] be, and hereby is, DENIED.

IT IS FURTHER ORDERED that on or before July 1, 2010, CCA shall file a notice with the court specifying whether the information ordered produced actually exists and whether it has been produced. The response shall be specific to each of the items CCA was directed to produce in the Omnibus Order [26]. CCA shall also provide a copy of the clarifying response to the plaintiff.

SO ORDERED this the 23rd day of June, 2010.

s/ Michael T. Parker

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United States Magistrate Judge